

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOMENICO DE SOLE, et al., :

Plaintiffs, : 12 Civ. 2313 (PGG) (HBP)

-against- :

KNOEDLER GALLERY, LLC, d/b/a :
"Knoedler & Company," et al., :

Defendants. :

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JOHN D. HOWARD, individually :
and as assignee of Jaime :
Frankfurt, LLC, :

Plaintiff, :

12 Civ. 5263 (PGG) (HBP)

-against- :

ORDER

GLAFIRA ROSALES, et al., :

Defendants. :

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PITMAN, United States Magistrate Judge:

I wrote to memorialize the rulings I made at a discovery conference held on these matters on May 2, 2013. The reasons for the following rulings were stated on the record in open court.

1. The objections of defendants Ms. Glafira Rosales and Mr. Jose Carlos Bergantinos Diaz to the

plaintiffs' request that they produce certain paintings are sustained on the ground that the production of such paintings would violate Rosales and Diaz' Fifth Amendment privilege.


2. I ordered that the deposition of Ms. Dana Cranmer be continued on May 9, 2013.

3. I ordered that no later than May 7, 2013, plaintiffs produce to defendants' expert, McCrone Associates, Inc., paint samples corresponding to the "SPA" files previously produced to defendants. Plaintiffs were also ordered to identify any SPA files for which corresponding paint samples no longer exist. I further ordered that, in the absence of an agreement between the parties or a court order, McCrone Associates is to perform only the following tests on the samples: (1) Fourier-Transform Infrared Spectroscopy (FTIR) and (2) Raman Microscopy. I further ordered that if defendants believe additional tests are necessary, they are to meet and confer with plaintiffs and attempt to reach an agreement and that the parties

should contact my chambers if they are unable to reach
an agreement.

Dated: New York, New York
May 10, 2013

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

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